



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 23, 1998

Mr. Mark E. Dempsey  
City of Garland  
P.O. Box 469002  
Garland, Texas 75046-9002

OR98-2795

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120096.

The City of Garland (the "city") received an open records request for a copy of the Offense/Incident Report created in connection with a particular offense. You contend that, except for the categories of information specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code excepts from required public disclosure in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;

....

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

Because you have informed us that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time would interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). This office considers such basic information to encompass the front page offense report information the court held to be public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). The city must release the basic front page information in accordance with *Houston Chronicle*. We have reviewed your highlighting of the report at issue and agree that section 552.108(a)(1) applies to the information you highlighted.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

*David Van Brunt Price*  
David Van Brunt Price  
Assistant Attorney General  
Open Records Division

DVP/nc

Ref: ID# 120096

Enclosures: Submitted documents

cc: Mr. Ramon Rincon  
6060 N. Central Expressway, Suite 538  
Dallas, Texas 75206  
(w/o enclosures)